

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
FOR THE DEPARTMENT OF CORRECTIONS

In the Matter of the Risk Level
Determination of Sean Patrick Brinkman

ORDER FOR CONTINUANCE

The above matter came on for hearing before Administrative Law Judge George A. Beck at 10:00 a.m. on August 8, 2001 at the Minnesota Correctional Facility at Rush City. At the start of the hearing, Mr. Brinkman moved for a continuance of the hearing in order to obtain another attorney.

Angela Helseth, Assistant Attorney General, 525 Park Street, Suite 500, St. Paul, MN 55103-2106, represented the End of Confinement Review Committee (ECRC) at the Minnesota Correctional Facility in Rush City (MCF-RC). F. Richard Gallo, Jr., Assistant State Public Defender, 2829 University Avenue S.E., Suite 600, Minneapolis, MN 55414, represented Sean Patrick Brinkman.

Based upon the arguments made at the hearing as well as the record in this matter,

IT IS HEREBY ORDERED:

1. The hearing in this matter is continued to **Monday, October 8, 2001, at 9:30 a.m.** The hearing will be held at the Correctional Facility where Mr. Brinkman is incarcerated.
2. That Mr. Brinkman will not be represented by the State Public Defender in this matter.
3. That there will be no further continuances of the hearing date.

Dated this 9th day of August 2001.

GEORGE A. BECK
Administrative Law Judge

MEMORANDUM

At the beginning of the hearing on August 8, 2001, Mr. Brinkman asked that his attorney, Mr. Gallo, be replaced. Mr. Gallo was prepared to proceed. The State Public Defender's office indicated that it had no other attorney able to conduct this case. Mr.

Brinkman then asked for a continuance in order to seek a private attorney. The position of the public defender's office was that if Mr. Brinkman did not wish to proceed on August 8, represented by a public defender, that he could not later be represented by a public defender. This position is reasonable and necessary to prevent abuse of the continuance process and the public defender appointment system.

Mr. Brinkman was advised that he could either proceed with Mr. Gallo as his attorney on August 8 or have the hearing continued with the opportunity to seek private counsel. Mr. Brinkman expressed a preference for continuing the hearing. It was made clear to Mr. Brinkman that he could no longer use the services of the public defender and that there would be no further continuances beyond October 8, 2001.

Mr. Brinkman is encouraged to immediately seek private counsel so that both he and his attorney can be prepared for the hearing on October 8, 2001.

G.A.B.